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RULE 132 AFFIDAVIT

In the United States Patent and Trademark Office

Applicant: Takazi IGAMI

Assignee: T. RAD CO., Ltd.

Serial No.: 10/565,913

Filed: January 25, 2006

Examiner: Allen J. Flanigan

Group Art Unit: 3744

Title: FLAT TUBE FOR HEAT EXCHANGER

DECLARATION UNDER 37 C.F.R. Section 1.132

I, Shincho Shuko, declare and say:

That I am a citizen of Japan and I reside at Hadano City; Kanagawa Prefecture;

That I am the inventor of Japanese Patent Application (JP2002071286A) cited in the examination of the above-identified patent application;

That my biographical outline will be described below:

- I was graduated in 1976 with a Bachelor of Mechanical Engineering from Shibaura Institute of Technology University located in Koto-ku, Tokyo.

- I have been working at T. RAD Co., Ltd. since 1977 and engaged in the field of heat exchanger. And now I hold the office of general manager at the research and development department.

That I have been granted three patents relating to heat exchanger at T. RAD Co., Ltd;

That my opinion on the above patent application will be described below:

The invention (hereinafter referred to as cited invention) according to Japanese Patent Application (hereinafter referred to as cited application) invented by myself and cited in the examination and the invention (hereinafter referred to as the present invention) according to the above patent application (hereinafter referred to as the present application)

are common in the point that the subject matter is a heat exchanger tube with a section formed in the substantially B-shape having a partition inside, and a slit is formed at the top of the partition in order to improve brazing performance between the partition and the tube inner wall surface. The English translation of the inventor in the cited invention is described as "SHINNAGA, HIDETAKA" but this is mistranslation and it should read Shincho Shuko.

However, the present invention was completed by finding the facts through various experiments that the length and layout of the slit greatly affect reliability of brazing in the tube with slit and also greatly affect molding performance of the tube. That is, in the present invention, improvement in tube strength and productivity was realized while the reliability of brazing is ensured, and the present invention exerts a special effect the cited invention does not have.

Also, at the time of the filing of the cited application invented by myself, there is no finding on influence of the slit length and layout on the brazing reliability and tube molding performance. Thus, there is no description or suggestion on this point in the specification of the cited application.

Therefore, non-obviousness of the invention according to the present application is obvious.

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon;

Further declarant saith not.

Date: June 11, 2007

Shincho Shuko

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